Black Codes

After the abolition of slavery by the [Thirteenth Amendment to the United States Constitution](http://en.wikipedia.org/wiki/Thirteenth_Amendment_to_the_United_States_Constitution), all former slave states adopted new Black Codes. During 1865 every Southern state passed Black Codes that restricted the [Freedmen](http://en.wikipedia.org/wiki/Freedmen), who were emancipated but not yet full citizens. While they pursued re-admission to the Union, the Southern states provided freedmen with limited second-class civil rights and no voting rights. Southern plantation owners feared that they would lose their land. Having convinced themselves that slavery was justified, planters feared African Americans wouldn't work without coercion. The Black Codes were an attempt to control them and to ensure they did not claim social equality.

The Black Codes granted African Americans certain rights, such as legalized marriage, ownership of property, and limited access to the courts. But the Black Codes denied them the rights to testify against whites, to serve on juries or in state militias, or to vote, and express legal concern publicly. And, in response to planters’ demands that the freed people be required to work on the plantations, the Black Codes declared that those who failed to sign yearly labor contracts could be arrested and hired out to white landowners. Some states limited the occupations open to African Americans and barred them from acquiring land, and others provided that judges could assign African American children to work for their former owners without the consent of their parents.

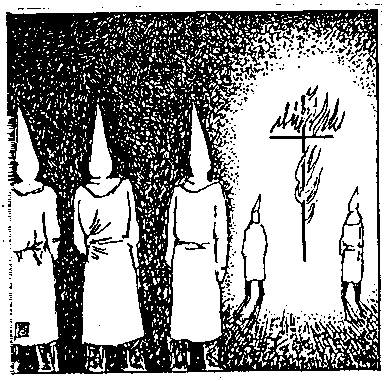
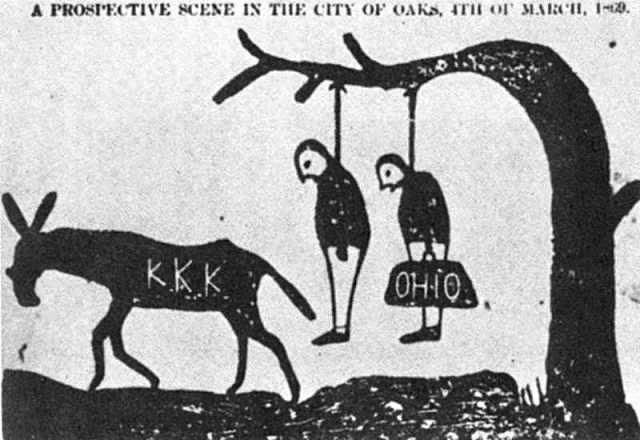
These are detailed elements of the black codes of Mississippi:

*"Negroes must make* [*annual contracts for their labor*](http://en.wikipedia.org/wiki/Indentured_servant) *in writing; if they should run away from their tasks, they forfeited their wages for the year. Whenever it was required of them they must present licenses (in a town from the mayor; elsewhere from a member of the board of police of the beat) citing their places of residence and authorizing them to work. Fugitives from labor were to be arrested and carried back to their employers. Five dollars a head and mileage would be allowed such negro catchers. It was made a misdemeanor, punishable with fine or imprisonment, to persuade a freedman to leave his employer, or to feed the runaway. Minors were to be apprenticed, if males until they were twenty-one, if females until eighteen years of age. Such corporal punishment as a father would administer to a child might be inflicted upon apprentices by their masters. Vagrants were to be fined heavily, and if they could not pay the sum, they were to be hired out to service until the claim was satisfied. Negroes might not carry knives or firearms unless they were licensed so to do. It was an offence, to be punished by a fine of $50 and imprisonment for thirty days, to give or sell intoxicating liquors to a negro. When negroes could not pay the fines and costs after legal proceedings, they were to be hired at public outcry by the sheriff to the lowest bidder...."*

**Questions:**

1. Which amendment were the Black Codes created in response to?
2. What rights were granted to African Americans under the Black Codes?
3. In what ways did Black Codes help planters?
4. Read the black codes of Mississippi. In what ways was being an African American in the south during reconstruction similar to slavery? (Find at least three parts of the passage that remind you of slavery)
5. Was the 13th amendment revolutionary in the South during reconstruction? Why or why not?

Klu Klux Klan

Klu Klux Klan Act of 1871

The first Klan was founded in 1865 in [Pulaski, Tennessee](http://en.wikipedia.org/wiki/Pulaski,_Tennessee), as a [terrorist organization](http://en.wikipedia.org/wiki/Terrorism) by veterans of the [Confederate Army](http://en.wikipedia.org/wiki/Confederate_States_Army). They named it after the Greek word [kuklos](http://en.wikipedia.org/wiki/Kuklos), which means circle. The name means "Circle of Brothers."

Although there was no organizational structure above the local level, similar groups arose across the South, adopting the name and methods. Klan groups spread throughout the South as an insurgent movement during the [Reconstruction era in the United States](http://en.wikipedia.org/wiki/Reconstruction_era_in_the_United_States). As a secret [vigilante](http://en.wikipedia.org/wiki/Vigilante) group, the Klan targeted freedmen and their allies; it sought to restore [white supremacy](http://en.wikipedia.org/wiki/White_supremacy) by threats and lynching, which is violence, including murder, against [black](http://en.wikipedia.org/wiki/Freedmen) and white [Republicans](http://en.wikipedia.org/wiki/History_of_the_United_States_Republican_Party). In 1871, the Federal Government passed the Klu Klux Klan Act, which was supposed to support the 14th amendment and guarantee fair and equal rights to both African Americans and whites. Klan members and those who posed violence to African Americans and their allies could be punished for their actions. In 1874 and later, however, newly organized and openly active [paramilitary](http://en.wikipedia.org/wiki/Paramilitary) organizations, such as the [White League](http://en.wikipedia.org/wiki/White_League) and the [Red Shirts](http://en.wikipedia.org/wiki/Red_Shirts_(Southern_United_States)), started a fresh round of violence aimed at suppressing blacks' voting and running Republicans out of office. These contributed to segregationist white Democrats regaining political power in all the Southern states by 1877.

**Questions:**

1. Look at the political cartoon on the left. There is one character holding a bag that says “Ohio”. Is Ohio a northern state or a southern state? What is the term used for someone who comes from the North and settles in the South?
2. Look at the picture on the left. How can Klu Klux Klan members be identified? What do they look like?
3. Read the passage. What are the Klu Klux Klan’s goals?
4. How does the Klu Klux Klan accomplish their goals?
5. What did the Klu Klux Klan act of 1871 do?
6. Was the 14th amendment revolutionary in the South during reconstruction? Did it guarantee equal treatment under the law? Explain.

United States v. Cruikshank (1876)

On Easter Sunday, April 13, 1873, an armed white militia attacked Republican freedmen, who had gathered at the [Colfax](http://en.wikipedia.org/wiki/Colfax,_Louisiana), [Louisiana](http://en.wikipedia.org/wiki/Louisiana), courthouse to protect it from the pending Democratic takeover. Although some of the blacks were armed and initially defended themselves, estimates were that 100-280 were killed, most of them following surrender, and 50 were being held prisoner that night. Three whites were killed. This became known as the Colfax Riot. Members of the white mob (including Cruikshank) were taken to court, and originally convicted of violating the 14th amendment and the Klu Klux Klan Act of 1871, but appealed to the Supreme Court. In the case *United States v. Cruikshank,* the convictions were thrown out.

Although the Enforcement Act had been designed primarily to allow Federal enforcement and prosecution of actions of the [Ku Klux Klan](http://en.wikipedia.org/wiki/Ku_Klux_Klan) and other secret vigilante groups in preventing blacks from voting and murdering them, the *Cruikshank* court held that the [Due Process](http://en.wikipedia.org/wiki/Due_process#Due_process_in_the_United_States) and [Equal Protection](http://en.wikipedia.org/wiki/Equal_Protection_Clause) Clauses applied only to [state action](http://en.wikipedia.org/wiki/State_actor), and not to actions of individuals: "The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another." Constitutional commentator [Leonard Levy](http://en.wikipedia.org/wiki/Leonard_Levy) wrote: "*Cruikshank* paralyzed the federal government's attempt to protect black citizens by punishing violators of their Civil Rights and, in effect, shaped the Constitution to the advantage of the Ku Klux Klan."

**Questions:**

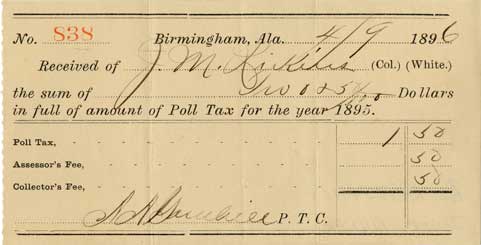
1. What happened at the Riot at Colfax?
2. What did the Supreme Court decide in *United States v. Cruikshank*?
3. How did the decision “shape the Constitution to the advantage of the Ku Klux Klan”?
4. Following *United States v. Cruikshank (1876)*, was the 14th amendment revolutionary in the South? Why or why not?

Jim Crow Laws and Poll Taxes

**Jim Crow Laws**

Jim Crow laws were similar to the black codes, in that they tried to prevent blacks from being equal to whites. Under Jim Crow laws, African Americans were not allowed to sit with whites in buses or rail cars. Restaurants and other businesses served whites only or black customers separately.

**Poll Taxes**

Many states in the South passed laws requiring citizens who wanted to vote pay a poll tax. This tax was set high enough to make voting a luxury that most blacks could not afford. Some states also required potential voters to pass a literacy test. The tests were made so difficult that almost nobody could pass, no mater how well educated.

Poll taxes were set up so that blacks could not afford to vote. Because they had to pay if the wanted to vote, many did not because they didn’t have the money to. This again made it so that whites could control the government, as they did NOT have to pay to vote.

**Questions:**

1. What were Jim Crow laws?
2. Do you think that Jim Crow laws were legal under the 14th Amendment? Why or why not?
3. What were poll taxes?
4. Which amendment were poll taxes a response to?
5. What effect did poll taxes have on African Americans living in the South during reconstruction?
6. How did Jim Crow Laws and Poll Taxes keep the 14th and 15th amendments from being revolutionary during reconstruction?

Plessy v. Ferguson (1896)

*Plessy v. Ferguson* was a major court case that took place in 1896. Homer Plessy was a black man who had been arrested for sitting in a whites-only railroad car in Louisiana. He went to the courts for help in protecting his rights.

Plessy said that Jim Crow laws violated the equal protection clause of the Fourteenth Amendment. The equal protection clause said that all people would be treated fairly under the law despite their race. In 1896, the case went to the Supreme Court- the highest a legal fight can go.

The majority of the justices (the judges on the Supreme Court) ruled that segregation, or the separation of blacks and whites, was constitutional (that is, did not break the laws of the Constitution) as long as the facilities provided to blacks were equal to those provided for whites. That meant that the Supreme Court said that blacks and whites could be kept separate as long as *where* they were being separated in were equal for both races.

This “separate but equal” ruling was soon applied to almost every aspect of life in the south. However, the facilities set apart for African American in Southern states were seldom equal to those labeled “whites only”. That is, facilities for whites were almost always better than those for blacks.

Some African Americans chose to move to the North, rather than endure the humiliation of forced segregation. Most African Americans, however, remained in the South and got by as best they could. With participation in politics closed to them, they focused on their families, churches, and communities. African Americans also banded together to build schools and colleges for their children.

"The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either." —Justice Henry Billings Brown,  speaking for the majority of the Supreme Court

**Questions:**

1. What events led up to *Plessy v. Ferguspn (1896)?*
2. What did the Supreme Court decide?
3. Was “separate but equal” fair, in your opinion? Why or why not?
4. What amendment was *Plessy v. Ferguson (1896)* exploring?
5. What did African Americans do in response to the Supreme Court ruling?
6. How did the ruling of *Plessy v. Ferguson (1896)* either create or stifle revolution in the South during reconstruction?